

Berkshire Regional Transit Authority



Title VI Program

Updated: March 2011

TITLE VI PROGRAM POLICY

Effective: March 2011

Ref: FTA Circular 4702.1A Title VI and Title VI Dependent Guidelines for Federal Transit Administration Recipients.

Purpose: The purpose of this policy is to establish guidelines to effectively monitor and ensure that Berkshire Regional Transit Authority (BRTA) is in compliance with all FTA Title VI requirements and regulations in order to carry out the provisions of the Department of Transportation's (DOT) Title VI Regulations at 49 CFR Part 21.

Policy: Effective March 4, 2011, the BRTA will ensure that their programs, policies, and activities all comply with the Department of Transportation's (DOT) Title VI regulations. BRTA is committed to creating and maintaining public transit service that is free of all forms of discrimination. The agency will take whatever preventive, corrective and disciplinary action necessary for behavior that violates this policy or the rights and privileges it is designed to protect.

Required to provide an annual Title VI certification and assurance: To ensure accordance with 49 CFR Section 21.7, every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with Title VI of the Civil Rights Act of 1964. This requirement, shall be fulfilled when the applicant submits its annual certifications and assurances to FTA. The text of FTA's annual certifications is available on FTA's website. The BRTA complies with this instruction annually in order to receive FTA funding.

Required to notify beneficiaries of protection under Title VI: In order to comply with 49 CFR Section 21.9(d), recipients shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. Recipients that provide transit service shall disseminate this information to the public through measures that can include but shall not be limited to a posting on the agency's website. BRTA has information on their website as well as signage posted on all buses and in the main transfer hubs.

Required To Develop Title VI Complaint Procedures: In order to comply with 49 CFR Section 21.9(b), recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public upon request. BRTA provides for their contractors dispatchers to take complaints and then forward them to the Title VI Complaint Coordinator (General Manager) who categorizes, tracks, develops responses and forwards them to the BRTA Administrator and if needed, legal counsel.

Required to record Title VI investigations, complaints and lawsuits: In order to comply with 49 CFR Section 21.9(b), recipients shall prepare and maintain a list of any active investigations conducted by entities other than the FTA, lawsuits, or complaints naming the recipient that allege discrimination on the basis of race, color, or national origin. This list shall include the date of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response to the investigation, lawsuit, or complaint. The BRTA Title VI Complaint Coordinator (General Manager) maintains these files. The BRTA has had no Title VI investigations, complaints or lawsuits that have occurred since the last submission of this program.

Required to provide meaningful access to Limited English Proficient (LEP) persons: Title VI and its implementing regulations require that FTA recipients take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient. The BRTA has installed a language translator on their website, www.berkshirerta.com, which includes information on schedules, fares and policies. Each driver and dispatcher has been issued a small book, “Basic Spanish for Transit Employees”. They are to refer to this as needed.

Past Public Outreach and Involvement: BRTA has conducted numerous public meeting and hearings on the subjects of route analysis, service efficiency (route changes), restructure of ADA application, etc, over the past three years. All public meetings are held in a public meeting room at the Joseph Scelsi Intermodal Transportation Center, Columbus Avenue, Pittsfield, MA as well as locations in both North and South County. We will continue to hold public meetings at this accessible, transit friendly, central location because it ensures all customers can easily participate if they wish.

Recent public solicitations have included required Federal clauses which contain civil rights requirements. All solicitations posted on the BRTA website contain civil rights, Title VI disclaimers.

Required to provide additional information upon request: At the discretion of the FTA, information other than that required by the referenced circular may be requested, in writing, from a recipient in order to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI requirements. The BRTA Title VI Complaint Coordinator (General Manager) is available to provide additional information as needed and to respond to any inquiry.

Required to prepare and submit a Title VI Program: FTA requires recipients to report certain general information to determine their compliance with Title VI. The collection and reporting of this program constitute the recipients’ Title VI Program. To ensure compliance with 49 CFR Section 21.9(b), FTA requires that all recipients document their compliance with this chapter by submitting a Title VI Program to FTA’s regional civil rights officer once every three years.

Discrimination

Any act or omission of an act which would prevent the use of or exclude a person from access to public transportation based on (but not limited to) race, sex, disability, or religion.

Responsibilities

All employees and contractors of Berkshire Regional Transit Authority shall follow the intent of these guidelines in a manner that reflects agency policy.

Supervisors and managers receiving information regarding violations(s) of this order, shall determine if there is any basis for the allegation and shall proceed with resolution as stated in the sections Supervisor Responsibility and/or Investigation of Complaints and Appeal Process.

Supervisor Responsibility

Each supervisor or manager shall:

- A) Ensure that there are no barriers to service or accommodation that would prevent public transit usage or access.
- B) Train subordinates as to what constitutes discrimination and barriers to access.
- C) Take prompt and appropriate action to avoid and minimize the incidence of any form of discrimination.
- D) Notify the General Manager in writing of the circumstances surrounding any reported allegations of discrimination no later than the next business day.

Investigation of Complaints and Appeal Process

Various methods of resolution exist. If a customer feels that their accommodation request and/or access to public transportation was denied, they may file a complaint through the following process:

- 1) Submit a written complaint with contact information
- 2) Mail written complaint to BRTA, One Columbus Ave, Suite 201, Pittsfield, MA 01201, Attn: Civil Rights Officer
- 3) E-mail the BRTA at info@berkshirerta.com

The General Manager will investigate the complaint and make a determination. Formal investigation of the complaint will be confidential and will include, but is not limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Customer will be notified of the resolution.

If the complainant is not satisfied with the resolution, an appeal process is available. An appeal request for review of a determination of unlawful denial of access or accommodation to public transportation must be filed, in writing, within 60 calendar days of the incident. The written appeal must include the customer's name, address, and

telephone contact number. A statement of reason(s) why the applicant believes the denial of accommodation request or access to public transportation was inappropriate is recommended.

The Administrator will set a mutually agreed-upon time and place for the review process with the applicant and/or representatives within 30 days of the request. The applicant may submit documents or other information to be included with the record and considered in the review process. A record of the review will be kept, as determined by the Administrator. Anyone needing special accommodations may contact the BRTA office at (413) 499-2782 for assistance.

The right of the appellant to a prompt and equitable resolution of the complaint must not be impaired by the appellant's pursuit of other remedies, such as filing of a complaint with the Department of Justice or other appropriate federal agency or the filing of a suit in state or federal court. Use of this procedure is not a prerequisite to the pursuit of other remedies.

Disposition of Complaints

Sustained Complaints – If the complaint is substantiated, this policy and procedure prohibiting discrimination will be reviewed with the offender. Appropriate disciplinary action and/or training will be taken pursuant to the agency disciplinary procedures.

Unsustained Complaints – If there is insufficient evidence to either prove or disprove the allegation(s), both parties to the complaint will be informed of the reason(s) for this disposition.

Unfounded Complaint – If it is determined that an act reported pursuant to this policy/procedure did not in fact occur, a finding of unfounded shall be made.

Exonerated Complaints – If it is determined that an act reported pursuant to this policy/procedure did in fact occur, but was lawful and proper within the guidelines established herein, a finding of exonerated shall be made.

Gary Shepard, Administrator

Date